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Term. Disclaimed
PATENT (N.E)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/614,355
Filing Date: July 12, 2000
Applicant: Michael L. O'Banion et al.
Group Art Unit: 3724
Examiner: Clark F. Dexter
Title: Adjustable Fence for Compound Miter Saw
Attorney Docket: 0275A-000103COF

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Hon. Commissioner of Patents and Trademarks
Washington, D.C. 20231

TECHNOLOGY CENTER R3700

TERMINAL DISCLAIMER

Dear Sir:

1. I, Michael J. Schmidt, attorney of record in the above identified application acting on behalf of Black & Decker Inc., owner of all right, title and interest in the above identified application, as well as owner of all right, title and interest in U.S. Patent No. 5,297,463, hereby disclaim and dedicate to the public, except as provided below, the terminal portion of the statutory term of any patent granted on the present application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of said U.S. Patent No. 5,297,463.

2. I further agree and acknowledge on behalf of Black & Decker Inc., that any patent granted on the present application shall be enforceable only for and during the period that said patent is commonly owned with said U.S. Patent No. 5,297,463. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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2. I do not disclaim the terminal part of any patent granted on the above identified application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of Patent No. 5,297,463, as shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of common ownership as stated above.

Respectfully submitted,

HARNESS, DICKEY & PIERCE, P.L.C.

Dec 17, 2002
Date


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